MUNICIPAL RIGHTS,

SHALL THEY BE INVADED?

SPEECH

OF

HON. JOHN C. MATHER,

OF NEW YORK,

IN FAVOR OF THE REPEAL

OF THE

METROPOLITAN POLICE LAW.

DELIVERED IN THE SENATE OF THE STATE OF NEW YORK MARCH 30, 1858.

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MR. CHAIRMAN: I should not desire at this time, to detain the Senate with any further remarks upon the question under consideration, if it did not involve a principle of the utmost public importance, and of peculiar interest to the constituency which I have the honor in part to represent in this body. Under most circumstances, I should be content to cast my silent vote in favor of the bill for the unconditional repeal of the Metropolitan Police Law, and leave its vindication to the sober and unbiassed judgment of all fair-minded and honest men. But as a most strenuous effort has been made upon this floor in behalf of the political party by whom it was inaugurated, in defence of this measure, I should not feel that I had discharged my whole duty to those who sent me here, if I did not attempt to show that the legislation by which the city of New York was deprived of some of the most essential rights of self-government, was a measure without merit, for which there was no necessity—that it is against the spirit of the Constitution, and in violation of the just and equal rights of those who are effected by its provisions. For I assert, that in the whole history of the legislation of this State, no one act has ever passed the legislative ordeal fraught with more important consequences to the people of this State, none more directly at war with the great principle of self-government, or more dangerous to public liberty than the law now under consideration.

The principal reasons assigned for the passage of the Metropolitan Police Bill were, that the Police under the old system was inefficient and partisan in its character.

Sir, this clamor was raised, and these charges made, outside of the Legislative halls by designing politicians, for the purpose of manufacturing public sentiment to bring to bear upon the Legislature, in favor of their scheme to disfranchise the cities of New York and Brooklyn; and of securing their Police force as an engine of political power. For never

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since the organization of the city government has there been a more efficient police force than was in existence at the time of the passage of this act. But supposing these allegations were true? Have the difficulties been removed under the new system inaugurated by the provisions of this act?

Sir, the very first proceeding under this law, was the appointment of three Police Commissioners—Simeon Draper, James W. Nye and James Bowen—whose political antecedents gave unmistakable evidence of the partisan character of the new organization, and of the real objects designed to be secured by the passage of this act.

The only Commissioner appointed who is not a violent partisan, was proposed by a Democratic Mayor.

Now, sir, let us look a little at the course pursued by these Commissioners, in regard to their appointments; and see what reform they have affected in their professed efforts to place the police organization beyond the reach of partisan influence.

Of all the Sergeants and Inspectors appointed, *not one* has been selected from the Democratic party; and of the *eleven hundred and forty* policemen who have been commissioned by this Board, I am informed, on good authority, that from *ten to eleven hundred* have been taken from the opponents of the Democratic party. Does this show a disposition on the part of the Police Commissioners to ignore political considerations in the selection of policemen? No, sir. On the contrary, every man who receives an appointment at their hands is expected to prove loyal to the Republican party, and ready at all times to do the bidding of their political masters.

It was the offspring of a political party accidentally in power at the Capitol, having but little prospect of finding favor with the people after their brief hour of authority was over. And the occasion was seized upon, to invent a scheme by which the Constitution could be evaded, and an important branch of the government of a great city transferred from the people, to whom it rightfully belonged, to the favorites of the partisans who perpetuated the outrage.

At the last election, under the pretence of securing order at the polls, some two thousand special policemen were appointed to serve for the day in that capacity, and, of course, at the public expense. These men were found at every election district in the city, untiring in their efforts to secure the defeat of the Democratic ticket.

It is for redress against this great wrong inflicted upon a district comprising within its limits one-third of the population of our great State, that the appeal is made to the representatives of the people who alone have power to grant redress.

In the discussion of this question, much reliance is placed upon the judgment of the Court of Appeals, by which the Metropolitan Police Law is pronounced free from the Constitutional objection. It seems to be supposed, that because the Legislature has the *power* to pass bad laws, that this power should be unsparingly exercised. This theory pervades the report of the majority of the Select Committee of the Senate, and is made prominent in the argument of the honorable Senator from the 22d. (Mr. Noxon.)

This theory is certainly in harmony with the design and object of the act in question; for no considerations of its justice or propriety, ever

troubled its projectors; they only sought a way to evade the Constitution, and disfranchise the city, without regard to the injury it might inflict on the rights which might be violated. The adroit and unscrupulous managers with whom the scheme had its origin, did not trouble themselves with any questions except the one of *power*. And when the power was supposed to be discovered, the consummation was not delayed by any considerations of justice, or equity, or public policy. It did not matter to them whether the law was, or was not demanded by the citizens of New York; or whether it was or was not necessary to the protection of persons and property, or to the preservation of public order.

In imitation of this same spirit, the Senator from the 22d exults over the decision of the Court of Appeals, and parades it before the Senate as an authority by which legislation is to be controlled.

I am not aware, sir, that this court has any commission to guide and direct the policy of legislation. It may in its wisdom, determine that a law which deprives a city of all power and control over its own police is valid; but it has not determined that such laws are wise, or just, or that the example set by the Legislature of 1857, in the passage of this act should be followed by its successors in extending this system of legislation to other localities. I respect the decision of the Court of Appeals, simply because it is high legal authority. But it was pronounced by a divided court and involved grave questions of legislative power upon which there was a diversity of opinion among judges and lawyers, as well as legislators and laymen.

That the law was passed against the sentiment of a majority of the people of this State was never doubted. It was regarded by all right-minded men as a dangerous attempt upon local liberty to gratify partizan ambition.

The city of New York had, in no respect, offended the sovereignty of the State; and the attempt by a political majority for a mere party purpose to assail rights hitherto regarded as beyond the reach of legislative invasion, was viewed with indignation and alarm—and the belief was universal, that the court of last resort would rebuke the usurpation. A majority of its members, however, came to the conclusion that the Legislature was not expressly forbidden by the Constitution from the exercise of the power claimed, but none found that any such power was expressly granted.

If it were permissable to re-open the discussion of the legal question, the argument against the law might be safely rested upon the opinion of the eminent Judge who dissented from the conclusions of the majority of the court, and which through all time will stand side by side with the judgment of the court in its official record, as a vindication of the effort made to preserve the integrity of the Constitution, as well in its spirit as in its letter.

But this judgment, whether it be deemed right or wrong, on the legal question involved, can have no just influence upon the determination of the question before this body. The ground upon which the people of the Metropolitan Police District deamand repeal, is that it was unjust to them, and unwise as a measure of public policy. They also claim, what all must concede, that it was repugnant to the spirit of the Constitution and subversive of the great principles of self-government. If the prin-

ciples of this law are to prevail in the future legislation of this State, there is no reason why the whole State may not be embraced in one grand police district, governed and directed by a central power.

The primary object of the Metropolitan Police law was to take from the electors of New York and Brooklyn, all power of appointment or removal of the police force, and place it, with all its patronage, at the disposal of the State government. The expenses are made a local charge. The officers and duties are local, but the power to appoint and remove is taken from the local authorities and electors.

There is no precedent for such legislation. The English act creating a Metropolitan Police for London and its vicinity, does not furnish a precedent; for in that act the British Parliament left the principal police force of London entirely untouched. Although not restrained in its powers of legislation by a written constitution, yet the Parliament respected the rights of the city of London and preserved its local authority.

The Legislature of this State had no such regard for the city of New York.

They sought not to preserve, but to pull down and destroy, not to protect the local constituency in the right of self-government; but to plunder it of all authority over its police.

Not only this, but to achieve the purpose, it became necessary to evade the letter of the Constitution and violate its spirit. It had no power to strike down the local authorities of New York alone, but was compelled to embrace with it neighboring localities. And this, the Court says, the Legislature has the power to do.

The city of New York, as an independent municipality, has the Constitutional right to appoint, remove, and control its own police.

The city of Brooklyn possesses, by itself, the same independence; but coupled together, they become powerless, and the Legislature may usurp the government of both.

If the force of reasoning, by which this result is reached by the Court of Appeals, is not fully appreciated, it does not matter, the decision is equally binding as authority, and must be obeyed in all places where obedience is due.

But this decision and this legislation is suggestive of some considerations upon which the Legislature may well pause, and in which the people of every city, village and town of the State have a direct interest. And I call the attention of honorable Senators, representing the rural districts of the State, to this branch of the subject. By it, the power is asserted and maintained to unite the entire State, or any portion of it, in a single district for police purposes, with its chief at the capital and his subordinates in every city, town and village in the State.

The power to appoint and remove a countless host of captains, lieutenants and policemen, with the distribution of all the patronage connected with the system, follows as a matter of course. It is impossible to contemplate such legislation, and such a decision, with indifference. It strikes a fatal blow at local independence, and opens a view of legislative power that renders written constitutions of little value. Of what value is a provision in the fundamental law securing to the people of cities, villages, towns and counties, the rights of local government, if its provisions may be nullified by such a cunningly devised scheme as

that which deprived the city of New York of all control over its own police. The principle asserted need not be confined in its application to the regulation of a police force.

It applies as well to every officer of a city, village, town or county incident to its local government. Assessors, Tax Collectors and Treasurers may, under this principle, be superseded. The assessment and collection of all taxes may be placed under the control of a finance commission to be appointed by the Governor. Its subordinates may traverse every portion of the State in the duty of collection and assessment, who would be in all respects dependent upon the will of the central authority.

They may not only assume the business of collection and assessment but of distribution.

It may embrace taxation for local, as well as general, purposes. The mite to be doled out to the poor of a town may be directed by a grand overseer residing at the capital. Commissioners and overseers of highways will cease to exist, or the repairs of roads and bridges will depend upon the will of the central power.

Indeed, there is no branch of local government, whether in city or country, which may not be assumed and controlled by a central commission issuing its mandate from the seal of Government. Under such a rule, it is easy to see that cities, counties, towns and villages as separate communities will become extinct, and with them the whole fabric of civil government, as has been hitherto enjoyed, will fall to pieces. These consequences are the legitimate result of that system of legislation as applied to the city of New York, and against which her citizens and representatives are alike emphatic in their protest.

She protests, because her rights enjoyed from almost immemorial time, have been wrested from her, and because the blow aimed at her local independence, inflicts a serious, if not fatal, blow upon the very foundation of public liberty. The importance of preserving the independence of local government to a very large extent is conceded by all. The honorable Senator from the 22d, in his report to this body, admits that "the principle of local government lies at the foundation of our institutions, and should be seduously cherished ; and in the distribution of power, whenever practicable or consistent with the general welfare, should be carefully adhered to." But to this principle, the city of New York is an exception. That because it is a populous city, and in the administration of its government enjoys an extensive patronage, that no principle of local liberty need be applied to it. It is claimed that this government should be administered by agents of Executive selection It requires the powerful arm of central authority. The people to be governed, need have no voice in the appointment of its local officers, but their agency is only important in providing means for the support of the system which legislative wisdom has deemed essential to the preservation of life and property. Unlike other localities, the people of New York have become dangerous to themselves. They are unconscious of it, it is true ; but nevertheless their lives and property must be looked after and protected by an Executive Commission.

True, says the honorable Senator from the 22d, the people of New York have remonstrated against this usurpation, but this matters not, it is a "partisan clamor raised against the new Police regulation—a

clamor heightened by the *thieves and plunderers* of the Metropolis ; whose political views and peculiar municipal privileges have been invaded."

The position of the honorable Senator, therefore, is that the citizens of New York shall be singled out as an exception to the ordinary rules of civil government, because they belong to a political party ; and secondly, because they are about equal to the position of *thieves and plunderers*. And hence their municipal rights must be invaded with impunity. If the city of New York remonstrates against this great wrong, the answer of the honorable Senator from the 22d is, that it is but partizan clamor, heightened by *thieves and plunderers*, and therefore no attention need be given the complaints.

The position of the honorable Senator may certainly be commended for its boldness and audacity. He boldly maintains not only the power, but the policy of withdrawing from the people the right of regulating their own concerns in the administration of local government. He denies the capacity of the people in this respect, and argues that power is better exercised in the hands of the few than under the control of the many. He assumes a position wholly at war with the spirit and policy of the Constitution of 1846, and alien to the entire system of a Republican government. But it is essential to the approval of the principle of the Metropolitan Police Law, that the doctrine asserted by the honorable Senator shall be maintained, for so long as the principle of independence in local government is adhered to, the Metropolitan Police Law must be condemned as a measure of public policy. Not only does the Senator maintain the propriety of wresting from the people of New York all control over their local Police, but we are told that at no distant day, the Metropolitan Police District must be extended so as to embrace all the counties and cities bordering upon the Hudson river, and the local government of each transferred to the Executive Commission.

This suggestion has peculiar significance, when we remember that it was to nullify the influence of the Democratic majorities of New York and Brooklyn, that instigated the passage of the Police law of 1857, for when it shall so unfortunately happen, (if that calamity shall again befall the people of this State,) that the Republican party can control the legislation, in every city or county in which Democratic majorities are found inconvenient to the aspirations of political adventurers, we may anticipate that the grand experiment of a Metropolitan Police will be repeated. The honorable Senator does not disguise the design of the party for whom he speaks in this body, to extend the protection and guidance of the Executive Commission to other localities in the State, where they are averse to the perpetuation of the modern Republican dynasty.

The honorable Senator from the 22d, is not sparing in his application of epithets to the citizens of New York. In their opposition to the interference of State authority in their local affairs, he hears nothing but partizan clamor and the complaints of the thieves and plunderers of the Metropolis.

It is by these hard names that a large majority of the intelligent, energetic and enterprising citizens of a great city, are called when they interpose to prevent legislative usurpation, and to protect rights sacred by immemorial antiquity. The regard manifested by the Republican party, and particularly by the Senator from the 22d, for the preservation

of law and order, and for the protection of life and property in the city of New York, is in the highest degree to be commended. It evinces reformation in a quarter where it is greatly desired. Yet their zeal and public spirit might, no doubt, be properly expended in other places. It is not very long since the city, in which the honorable Senator resides, was the scene of public disorder, where the mob triumphed over National authority. Yet the desire for the preservation of public order in the protection of the rights of property, has never expended itself in any effort to provide a better government for the city of Syracuse, than that which has been provided by the people of the municipality. On the contrary, the "Jerry rescue" affair has been from time to time celebrated upon the spot where the performance was enacted, and if the honorable Senator has not joined in the celebration, neither he or his party have dissented from the propriety of publicly commemorating the triumph of a Syracuse mob over the constituted authority of the general government.

It is, perhaps, strange, that an honorable gentleman, so zealous in the cause of good order, should have overlooked the rioters of his own city, at a time when they were in the ascendant, to undertake the management of local affairs in the great Commercial Metropolis. It would be strange, if it were not notorious, that the sympathies and charities of the party which the Senator so ably represents upon this floor, are uniformly bestowed upon distant objects, and, as a general thing, amount to an interference in matters with which they have no concern. Such, Mr. Chairman, is the nature of the new Republican crusade against the rights of the citizens of New York.

It is impossible for honorable gentlemen to disguise the real object of the movement. It had no regard to good order, or good government. It was designed to transfer political power and patronage to the Republican party, against the expressed will of the people.

It had no higher or nobler motive than this. Yet it is attempted here to give it a better aspect. We are told that the people of the whole State have an interest in the city of New York, and hence it proposes to disfranchise its citizens. Because the people of the State find it for their interest to visit the city of New York on matters of business or pleasure, it does not follow that the Legislature has a right to usurp its government, or that they are at liberty to strip them of all power or voice in its administration.

The people of New York are sovereign within its municipality, in all that concerns local administration; and in this independence, it was the design of the Constitution of 1846, to protect them, as well as every other city in the State.

It is said by the Hon. Senator from the 22d, that twenty years ago, the Mayors of cities were appointed by the Governor of the State; and this is urged, as a reason for a restoration of central power. Sir, if we go a little farther back, we shall find that Governors were appointed and commissioned by *Kings* and *Cabinets* across the water, and legislation dictated and directed by a foreign potentate. The Senator might as well urge that we return to our allegiance to Great Britain and reconstruct our form of Government, by a surrender of all the rights of *Freemen*, as to justify the usurpation of the rights of any locality by a state of things forever passed away. It is urged again, that by the in-

terference of the Legislature, the city of New York has been provided with a better and more efficient police than that which was destroyed. If this were true, it does not justify the wrong, but it has no foundation in fact.

On the contrary I assert, that the present police force bears no comparison in point of efficiency, to the well disciplined and efficient corps, who for merely political considerations were compelled to yield their places to an inexperienced and inefficient body of men, whose chief merit consists in their subservience and devotion to the political fortunes of the appointing power.

The Senator alludes with an air of triumph to the number of arrests made by the Metropolitan Police, in September and October last. Why, sir, it is well understood in the city of New York, that about one-half of these arrests were made for the mere purpose of swelling the list and parading it before the public as an evidence of their efficiency and zeal in the public service, while not the slightest evidence existed against the persons so arrested.

In regard to "the superiority of the present police" of which the Senator from the 22d speaks in such glowing terms, I need only refer to the dark catalogue of crime, in the City of New York, to show how undeserved the eulogy, and into what unworthy hands the Police Government of that great city has fallen.

I propose to read in this connection a very few extracts from the press upon that subject :

From the N. Y. Herald of Feb. 18th, 1858.

Burglaries in New York —The frequency of burglaries in this city has becomc the subject of general remark. Scarcely a night passsess but what some half dozen houses are entered by thieves, and property to an incredible amount carried off to the infinite disgust of citizens having a misplaced confidence in the Metropolitan Police. The arrest of the burglars rarely occurs, while the recovery of the stolen property is something bordering on the miraculous. This fact is but another of the many instances afforded us daily of the utter worthlessness and inefficiency of our present police system. When will there be a change for the better ?

In alluding to the arrest of a man named James D. Davis, on a charge of burglary, the Tribune of the 22d February says :

Mrs. Davis went to the prison for the purpose of seeing her husband , and was met at or near the prison gate by policeman Voss or Foss, who gave his name to her as Thompson. She asked to see her husband, when the policeman said he would let her in for 50 cents, or would get her husband out of prison for $4. She said she was very poor, but nevertheless would try and get the money. The policeman engaged to meet her at the same place, in the afternoon. Mrs. Davis then went to some of her friends, and finally succeeded in raising the sum of $5. With a happy heart at the thought of being able to get her husband released from durance vile, she repaired to the place. At the appointed time the policeman was there, when she handed him the $5 bill. He gave it to another officer who got change, when he returned her one dollar and pocketed the balance ; after which he told her to go home, that her husband wonld be released the same afternoon. * * * * * * *

N. Y. Tribune, February 20th, 1858.

The Model Artists and Police.—Among the audience assembled at the Model Artist exhibition in Broome street, which was broken up by a squad of officers from the Mayor's office on Thursday night, were three Police Captains, and it was npon them that the Mayor's men were compelled to draw their revolvers to prevent their too sudden retreat from the building. This Model Artist exhibition was not exactly pnblic nor was it an every night affair.

From the Police Gazette, Feb. 20th, 1853.

SHALL WE HAVE A VIGILENCE COMMITTEE.—We say yes, most emphatically, and let it be established immediately to protect the lives and property of citizens, and as a terror to evil doers. At present there is no safety for any member of the community, and the city appears to have been given over to lawless bands of maraudors and midnight assassins, who appear to be banded together for murder and robbery, and why should not honest men band together for mutual safety and protection. If such a committee is established it should be strictly in accordance with law, as it would be as intolerable to have an irresponsible body in this city, setting in violation of law, as it is now to be ruled by the revolver, the bowie knife and the stiletto.

From the N. Y. Sun.

The harsh and summary manner in which the New Police Commissioners acted towards the old police, and their obstinate refusal to respond to the universal wish that the good men should be retained, causes the present decision (referring to the recent decision of the Supreme Court in regard to the old Police) with much satisfaction by a large portion of our citizens.

The extracts to which I have called the attention of the Senate, said Mr. M., are but a small portion of similar articles, with which the press of the city of New York abounds from day to day, showing conclusively the unfitness and incompetency of the great body of the police force under its present organization.

And yet the majority of the committee say in their report, and it is reiterated in the speech of the Hon. Senator from the 22d, that "they have not heard of complaints made against, or reproach cast upon, the action of the Board of Police," on the contrary, they claim "that the admitted superiority of the present Police is a subject for general congratulation."

But this is not all, The majority of the Committee assert that "there is no evidence before the Committee that the act is in conflict with the wishes of the citizens of New York." And in the closing paragraph of their report they say "the cry of repeal is already swallowed up in the good order and peace which reigns throughout the district." Sir, this language is a cruel satire upon the condition of affairs as they now exist under the auspices of the Police Commissioners and their subordinates; the present guardians of the public peace of the city of New York.

And let me ask my colleagues, upon this floor, if the people of the Metropolitan Police District are satisfied with this law, why is it that the *thirty-two* representatives in the Senate and Assembly, backed by more than thirty thousand majority are sent here from the Metropolitan Police District in favor of its unconditional repeal?

Why have the local authorities of the cities of New York and Brooklyn memorialized the Legislature with almost entire unanimity, in favor of the repeal of this unjust and tyrannical law?

Why has Daniel F. Tieman, the Mayor of the city of New York, who was elected in opposition to the Democratic nominee, joined in an earnest appeal to the Legislature of the State to strike this iniquitous and oppressive enactment from the Statute book, and to restore again to the citizens of New York the rights of *self government*. But I propose also in this connection to read a brief quotation on this subject, from the New York *Times*, of November 17th, 1857. This authority even the Hon. Senator from the 22d will not question:

From the New York Times, Nov. 17, 1857.

But the manner of appointing this commission must be changed—it is neither right in itself nor in conformity with the spirit of the Constitution, that the Governor of the State should have control of the local police of this or any other city. The State has no such authority over its municipalities. Nor are the relations of the cities to the State such as to render the exercise of such a power either legitimate or safe, and the public sentiment of this city is most distinctly and decidedly against it—the people feel universally and instinctively that it is wrong—an unjustifiable encroachment upon local rights for the State thus to assume the appointment of officers whose functions and responsibilities are purely local. Technically the law is Constitutional, but it was made so only by the device of creating a new district, which should embrace other counties besides the one where it was to take special effect.

The truth is, Mr. Chairman, the utter inefficiency of this new organization, is daily becoming more and more apparent; and since its inauguration a new impetus has been given to the commission of crime of every grade, as the records of the public press in the city of New York will abundantly demonstrate.

I am well aware, Mr. Chairman, that Police Commissioners and Police Captains have been hovering about the Capitol, during the progress of this discussion; but I do not believe, sir, that they, or their eloquent champion upon this floor—the honorable Senator from the 22d—will be able to satisfy the Senate, or the public, but that this new fangled scheme for governing the city of New York, has proved an utter failure, and, in every aspect, detrimental to the pulic interests.

The Senator, also, alludes to the fact that seven thousand dollars worth of stolen property has been returned to the owners during the months of September and October, while there was no evidence that the old police had ever returned any portion of property, taken by them, to its owners. But he neglected to mention the fact that, under the old law, the police were compelled to deposit all stolen property with the clerk of the Police Court at the Tombs. But I will not detain the Senate with any further detail on this branch of the subject. There is, however, one other feature connected with this novel scheme for governing the city of New York, which the Senator from the 22d has quite overlooked, but in which the tax-payers of that city feel a deep interest. I allude, sir, to the enormous increase of the expenses under the Metropolitan Police Law, over those incurred under the old Police system, which, by reference to the tax bill now in the other branch of the Legislature, will be found to exceed the expenditures of any previous year, by several hundred thousand dollars.

The Senators from the 22d and the 27th have indulged in bitter personal attacks upon Fernando Wood. I do not design, sir, to reply to them, further than to say that, as Mayor of the city of New York, and as head of the Police, he has discharged his duty with an ability, and devotion to the public interests which, at one time, commanded even the admiration of the political friends of the Senators who now traduce him. But, with a fiend-like spirit, he has since been pursued by a partisan press, and by personal and political foes; but, sir, I believe he will yet triumph over them all.

The proposition of the honorable Senator from the 27th, is a concession that the principles of the Metropolitan Police Bill are radically wrong; and I thank the distinguished Senator for his bold and manly defence of the citizens of New York, when discussing his proposition

before the Senate, and of his vindication of their claim to the rights of self-government.

But, while the Senator proposes to leave to the people the right to select the Police Commissioners, in so doing he puts them in a straight jacket. It is not unlike an Emperor of France bestowing the elective franchise upon the French people, by which they were at liberty to vote for whom they pleased for Emperor, but all who did not vote for Napoleon were to be shot.

So the Senator from the 27th, is willing to give the electors of New York the right to elect a Police Commission, but in such a way that a small minority may have equal power with the most overwhelming majority.

This is acknowledging the right of the people, but divesting its exercise of all substantial value. It is but the shadow of local independence, while the substance is taken away; and it carries out no theory consistent with the rights of *self government.* It is a plain violation of the acknowledged principle that the majority shall govern.

Mr. M. then reviewed, at considerable length, the unjust and oppressive character of the law; of its invasion of rights sacred to the people, and maintained that it was destructive to the principles of self government; and said no Senator upon this floor could doubt for a moment but that an overwhelming majority of the people of the city of New York, and the Metropolitan District, are in favor of the prompt and unconditional repeal of this obnoxious law. In the election in November last, they spoke in thunder tones through the ballot box; and, Sir, the cry of repeal was not confined to the Metropolitan Police District. It was taken up by the people of the State, from one end to the other, and was made the rallying cry of the Democratic masses from the ocean to the lakes; and upon *this issue*, more than any other, was the Democracy enabled to sweep the State, and bear in triumph their flag to the Capitol. They now appeal to the representatives of the people for a restoration of their ancient rights, and to be placed on an equality with their sister cities throughout the State. If their appeal is disregarded, though temporarily crushed to earth by the hand of power, they will rise again and re-assert their rights at the ballot box.

I submit to the Senate that there is but one way to deal with this question consistent with established principles and a just regard for the citizens, and that is to expunge this obnoxious law from the Statute book. It should have no place among the laws enacted for the government of a *free people.*

The city of New York has some claim to be protected in the enjoyment of rights acceeded to every other locality. She demands no greater privileges than are granted to other municipal bodies, and will be content with no less.

Her commercial position—the magnitude of her business interest, and the extent of her population, while it may not entitle her to any greater consideration than is willingly conceded to every other city in the State, should not be made a pretext for delivering over against her will, her dearest rights to the domination of mercenary politicians.

The city of New York is pre-eminent among all the cities of this continent, and indeed of the world, in her commercial and financial position. Her ships float upon every sea. She is the grand centre of commerce

and of civilization. She is at once the envy of the old world, and the pride of the new. That within her limits dwells an incalculable amount of wealth, of energy and enterprise—that among her citizens are found merchants whose operations are as extensive as the globe ; and illustrious men of every rank, profession, and calling in life, who shed lustre upon the American name, furnishes but poor evidence of their incapacity for self government.

It may answer a present purpose to assail the intelligent, enterprising citizen of New York, as unfit to enjoy local freedom, and charge them with sympathy and association with thieves and plunderers ; but in due time they will be vindicated from this offensive allegation. They seek redress at this time, and from the representatives now assembled at this Capitol. Their local representatives, speaking for an overwhelming majority of the electors and tax payers of the Metropolitan Police District, demand, as a measure of equal and exact justice, that they be restored to rights sacred to every citizen, and which, in an hour of partizan madness, were taken from them.

To redress this great wrong, a peaceful appeal is now made to the representatives of the people of a great state, in the full confidence that those who do not permit an invasion of their own inherent rights with impunity, will be prompt to redress the injuries sought to be inflicted upon their fellow citizens.